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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,352	07/28/2000	Masahide Noda	1405.1024/JDH	3309
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER STRANGE, AARON N	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/628,352	<b>Applicant(s)</b> NODA ET AL.	
	<b>Examiner</b> Aaron Strange	<b>Art Unit</b> 2153	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-8,10-17,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10-17,19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/29/07 have been fully considered but they are not persuasive.
2. With regard to claim 5, and Applicant's assertion that Lilies "differs from the recitations of currently amended claim 5; specifically, the image representations and/or physical representations of the chat participants are operated by the transmitted determined plurality of different control instructions and/or the determined plurality of the different operation instructions corresponding to the event" (Remarks, 10), it is noted that the rejection of claim was based on the combination of Suzuki and Lilies, and that Suzuki teaches this limitation, as elaborated upon below.

In fact, Applicant has removed all limitations for which Lilies was cited, and the claims are not anticipated by Suzuki.

3. With regard to claim 13, and Applicant's assertion that Applicant traversed that Examiner's taking of Official Notice in the Office actions of 2/16/06 and 6/1/06 (Page 11 of Remarks)i the Examiner respectfully disagrees. Applicant has failed to adequately traverse the Examiner's taking of Official Notice in the Office actions of 2/16/06 and 6/1/06.

To adequately traverse a finding of Official Notice, Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why

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the noticed fact is not considered to be common knowledge or well-known in the art. In this case, Applicant has failed to do so. Applicant's original statement regarding claim 2 (and repeated here for claim 13) ("this limitation is unique to the present invention") (Remarks, 12) is not a statement indicating why the noticed facts are not common knowledge or well-known in the art. Therefore, the well-known in the art statement has been taken to be admitted prior art.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,5, 7, 8,10-12 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 5,736,982).

6. In referring to claim 5 and 10-12, Suzuki shows a server controlling the display of avatars on each respective terminal depending of each avatars position and viewing point in a virtual space (see abstract). Suzuki show:

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An association table (figure 7, 12E, fig. 5 53A, 53B) that relationally stores a predetermined event (movement vectors) occurring in a chat space with participating chat devices, a plurality of predetermined control instructions (move instructions) (Col 5, Lines 34-49), and a plurality of predetermined different correlated operation instructions that correspond to the predetermined event (move messages) (Col 6, Lines 40-58),

wherein the plurality of predetermined control instructions correspond to a plurality of types of image representations and/or physical representations among the chat devices (move instructions move the view of the user), and the plurality of predetermined different correlated operation instructions correspond to a plurality of different chat device destinations to operate image representations and/or physical representations of chat participants that are linked to or installed in the chat device destinations (views of all chat participants are updated when others move) (col. 5 lines 50-col. 6 lines 21),

A chat event detector detecting a predetermined event in the chat space, based on the association table (col. 6 lines 1-6, detecting which avatars are moving, have moved into or moved out or a respective avatars viewing space),

an operation instruction determiner determining the plurality of the different operation instructions for the detected event, based on the association table (col. 8 lines 15- col. 9 line 16, fig. 9a-9f, not all users having the same viewing point, therefore each user receiving a different instructions to display their specific viewing point of the virtual space and the movements therein),

a destination determiner determining the corresponding plurality of the different chat device destinations to be transmitted the determined plurality of the different operation instructions, based on the association table (fig. 5, 53A, 53b, see also col. 8 line 15- col. 9 line 16 for representation of different viewing points of each user within a virtual space); and

a transmitter transmitting the determined plurality of the different control instructions and/or the determined plurality of the different operation instructions corresponding to the event via a chat system to determined corresponding chat device destinations to operate the image representations and/or physical representations of the chat participant that are linked to or installed in the chat device destinations (col. 5 lines 50-67), and

wherein the image representations and/or physical representations of the chat participants are operated by the transmitted determined plurality of different control instructions and/or the determined plurality of different operation instructions corresponding to the event (avatars are operated using the move messages)(col. 6, ll. 36-39).

7. In referring to claim 7, Suzuki shows a controller selecting a plurality of operations instructions that correspond to the events (movement) in the chat space to operations the image representations of the chat participants, based on predetermined conditions when the plurality of the operation instructions occur with the same chat device as a chat device destination, and sending the selected plurality of the operation

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instructions to the same chat device (col. 9F, col. 9 lines 5-10, plurality of avatars in view).

8. In referring to claim 8, Suzuki shows:

Image representations of chat participant are installed in one of the chat devices, the destination determiner determines on the plurality of the image representations of the chat participant to operate from among the image representations of the participant, based on the detected event (col. 7 lines 15-45, based on movement server determines display avatars in eyes view),

The transmitter sends a determined operations instruction including a specification of the image representations of the chat participant to the corresponding chat device destination to operate therein the specified image representation of the chat participant (col. 8 lines 15- col. 9 line 16, fig. 9a-9E shows various view points).

9. Claims 1 and 19 are rejected under the same rationale as claim 5, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

10. Claim 21 is rejected under the same rationale as claim 5, since they recite substantially identical subject matter. All limitations of claim 21 are wholly contained within claim 5.

11. Claims 2 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Toomey et al. (US 6,119,147).

12. In referring to claims 2 and 6, Suzuki further discloses originating and destination addresses that accompany the instructions when sent (inherent in sending data over a network). However, Suzuki fails to specifically disclose sending an event detection time with the instructions and addresses.

Toomey teaches sending an event detection time along with instructions to a recipient in order to record the time the event occurred so a history of a meeting can be developed. This allows users to determine the order of events and replay the meeting (at least Col 6, Lines 5-27). This would have been an advantageous addition to the system disclosed by Suzuki since it would have allowed users of the system to determine the actual time of events occurring during a meeting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send an event detection time along with the instructions in order to create a history of events that happened during a meeting, which could subsequently be used, for example, to replay the meeting.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Applicant's Admitted Prior Art.



14. The Examiner took Official Notice of the following in the Office action of 6/16/2005. Applicant failed to adequately traverse this assertion in the subsequent responses of 2/16/06 or 6/1/06. Therefore, it has been taken that Applicant admits that one of ordinary skill in the art would have known to detect the number of chat participants exceeds a predetermined number, a change in mode of a topic, a statement of a chat participant nickname or name, chatting is frequent, and specifying a chat participant image representation.

15. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Shiio.

Although Suzuki shows substantial features of the claimed invention, Suzuki does not show detecting overlapping events. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Suzuki as evidenced by Shiio.

In an analogous art Shiio shows a virtual conferencing system for displaying animated characters within a virtual space (see abstract, fig. 7) Shiio shows a method for handling a plurality of events which occur at the same time as overlapping events, wherein the operation instruction determiner processes the detected overlapping events according to a specified event processing method (col. 9 line 61- col. 10 line 13).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Suzuki to employ the feature shown by Shiio, in order to effectively communicate in a virtual

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space with other user in real world manner which allows users to take turns speaking, thereby allowing everyone in a virtual space to heard.

16. In referring to claim 15, Shiiio shows overlapping events executed sequentially according to priority (col. 9 lines 65- col. 10 line 5).

17. In referring to claim 16 and 17, Shiiio shows selection criteria for selecting one of a plurality of the detected overlapping events (col. 9 lines 61- col. 10 line 39) according to:

If same event occurs within a specified time period, ignoring second and subsequent occurrence of the same event (col. 9 line 65- col. 10 line 1, lower priority event is not executed in preference for higher priority event),

Selecting a first event within a specified time (selecting event with higher priority),

Selecting one of the detected overlapping events according to a priority assigned to each event in the association table (col. 10 lines 14-23).

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

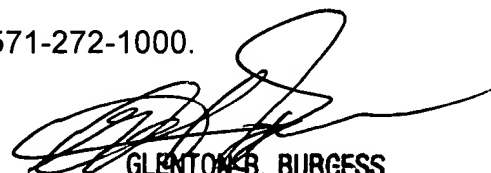
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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